

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO
et al.,

(Jointly Administered)

Debtors.¹

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HON. WANDA VÁZQUEZ GARCED et al.,

Plaintiffs,

Adv. Proc. No. 20-080-LTS

-v-

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

Defendant.

-----X
HON. WANDA VÁZQUEZ GARCED et al.,

Plaintiffs,

Adv. Proc. No. 20-082-LTS

-v-

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Defendant.

-----X
HON. WANDA VÁZQUEZ GARCED et al.,

Plaintiffs,

Adv. Proc. No. 20-083-LTS

-v-

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

Defendant.

-----X
HON. WANDA VÁZQUEZ GARCED et al.,

Plaintiffs,

Adv. Proc. No. 20-084-LTS

-v-

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

Defendant.

-----X
HON. WANDA VÁZQUEZ GARCED et al.,

Plaintiffs,

Adv. Proc. No. 20-085-LTS

-v-

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

Defendant.

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ORDER DISMISSING REMAINING COUNTS AND COUNTERCLAIMS AND
DIRECTING ENTRY OF JUDGMENT IN THE ABOVE-CAPTIONED ADVERSARY PROCEEDINGS

In light of the entry of the Court's *Opinion and Order Denying the Government's Motions for Summary Judgment and Granting in Part the Oversight Board's Motions for Summary Judgment* (Docket Entry No. 15496 in Case No. 17-3283, the "Summary Judgment Opinion"), and the *Parties' Joint Stipulation for Dismissal Without Prejudice Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii)* (Docket Entry No. 74 in Adversary Proceeding No. 20-00080; Docket Entry No. 54 in Adversary Proceeding No. 20-00082; Docket Entry No. 55 in Adversary

Proceeding No. 20-00083; Docket Entry No. 63 in Adversary Proceeding No. 20-00084; Docket Entry No. 62 in Adversary Proceeding No. 20-00085), it is hereby ORDERED that the following claims and counterclaims are dismissed without prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure: (i) in Adversary Proceeding No. 20-00080, Count II of the Act 82 Complaint and Counterclaims I, III, IV, and V (Docket Entry Nos. 1 and 5); (ii) in Adversary Proceeding No. 20-00082, Count II of the Act 138 Complaint and Counterclaims I and III (Docket Entry Nos. 1 and 5); (iii) in Adversary Proceeding No. 20-00083, Count I of the Act 176 Complaint and Counterclaims I and II (Docket Entry Nos. 1 and 6); (iv) in Adversary Proceeding No. 20-00084, Counts I and II of the Act 181 Complaint, as well as Counterclaims I, II, III, and V (Docket Entry Nos. 1 and 6); and (v) in Adversary Proceeding No. 20-00085, Count I of the Act 47 Complaint, as well as Counterclaims I and II (Docket Entry Nos. 1 and 5).²

Moreover, the Clerk of Court is directed to enter judgment in favor of the Oversight Board in accordance with the Summary Judgment Opinion, and in the following manner: (i) dismissing Count I of the Act 82 Complaint (Docket Entry No. 1 in Adversary Proceeding No. 20-00080 ¶¶ 46-51), Count I of the Act 138 Complaint (Docket Entry No. 1 in Adversary Proceeding No. 20-00082 ¶¶ 46-51), Count II of the Act 176 Complaint (Docket Entry No. 1 in Adversary Proceeding No. 20-00083 ¶¶ 49-51), and Count II of the Act 47 Complaint (Docket Entry No. 1 in Adversary Proceeding No. 20-00085 ¶¶ 58-60); and (ii) granting summary judgment with respect to Act 138 Counterclaim II (Docket Entry No. 5 in Adversary Proceeding No. 20-00082 ¶¶ 40-48), Act 82 Counterclaim II (Docket Entry No. 5 in Adversary Proceeding No. 20-00080 ¶¶ 40-48), Act 176 Counterclaim III (Docket Entry No. 6 in

² Capitalized terms not defined herein have the meanings given to them in the Summary Judgment Order.

Adversary Proceeding No. 20-00083 ¶¶ 31-47), Act 47 Counterclaim III (Docket Entry No. 5 in Adversary Proceeding No. 20-00085 ¶¶ 36-51), and Act 181 Counterclaim IV (Docket Entry No. 6 in Adversary Proceeding No. 20-00084 ¶¶ 41-50). The Clerk is further directed to close Adversary Proceeding Nos. 20-00080, 20-00082, 20-00083, 20-00084, and 20-00085.

This Order resolves Docket Entry No. 74 in Adversary Proceeding No. 20-00080, Docket Entry No. 54 in Adversary Proceeding No. 20-00082, Docket Entry No. 55 in Adversary Proceeding No. 20-00083, Docket Entry No. 63 in Adversary Proceeding No. 20-00084, and Docket Entry No. 62 in Adversary Proceeding No. 20-00085.

SO ORDERED.

Dated: January 7, 2021.

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge